

Maine Department of Transportation
Bureau of Planning



Rt. 201, Wyman Lake, Maine

*Consultative Planning Process for
Non-Metropolitan Local Officials*

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Dear Maine Residents and Local Officials:

I am writing to take advantage of an extraordinary opportunity offered by the federal government to incorporate your feedback to improve the way the Maine Department of Transportation (MaineDOT) interacts with municipal officials. Since federal funding contributes to most transportation improvement projects, MaineDOT must comply with federal rules and regulations. The attached Consultative Planning Process for Non-Metropolitan Local Officials is part of a federal requirement for all state departments of transportation to document and obtain input into the processes for which DOTs consult with municipal officials.

While the Sensible Transportation Policy Act and MaineDOT's ongoing commitment to public involvement have kept MaineDOT ahead of the curve in early and proactive municipal consultation and public involvement to the point that our state frequently serves as an example for other state DOT's, I think MaineDOT can do better. I believe MaineDOT and municipalities can partner in new ways to promote economic development and establish livable communities as part of the Department's continued efforts to build and maintain a safe and efficient transportation system.

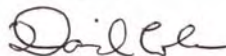
To that end, **I have attached for your review MaineDOT's Consultative Planning Process for Non-Metropolitan Local Officials, on which the Department will be accepting written comments until May 31, 2004.** Copies of the Plan are available on MaineDOT's web site at www.state.me.us/mdot/Municipal-Matters, and may also be obtained by contacting Chris Mann at the e-mail or address below. Written comments may be e-mailed to chris.a.mann@maine.gov, or sent to:

Christopher A. Mann
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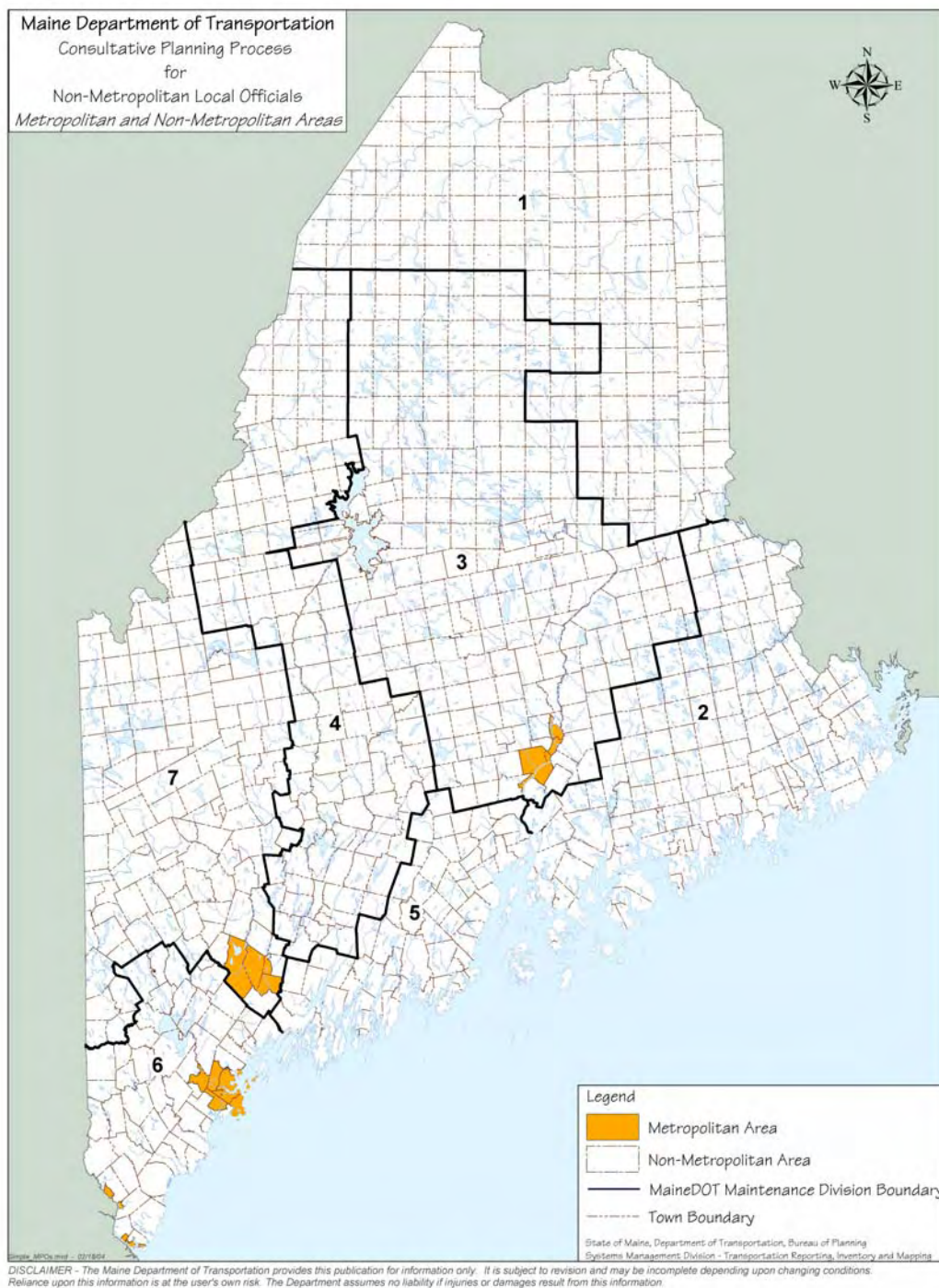
The final plan will be modified to incorporate all substantive comments received. In the event that MaineDOT does not incorporate certain proposed modifications, we will document the request and explain why MaineDOT is not accepting the proposed modifications. A final plan should be available this summer.

Thank you for your attention to this request and I look forward to your input.

Sincerely,



David A. Cole
Commissioner



Maine Department of Transportation Consultative Planning Process for Non-Metropolitan Local Officials

I. Background

On January 23, 2003, the Federal Highway Administration (FHWA) issued the Final Rule in the Federal Register for local consultation by States with non-metropolitan local officials. The effective date of the Final Rule is February 24, 2004.

This rule changes the Code of Federal Regulations (23 CFR Part 450) by amending the planning regulation as it relates to consultation with non-metropolitan local officials in the Statewide transportation planning process. **The State must develop a process that is “separate and discrete” from the existing public involvement process, and in place by February 24, 2004.** Copies of this draft Consultative Planning Process for Non-Metropolitan Local Officials are being made available to the Maine Municipal Association, Regional Planning Commissions, Metropolitan Planning Organizations, and depository libraries. The draft plan is also available on MaineDOT’s web site and a public notice has been published in major newspapers in Maine. Maine will accept written comments until May 31, 2004. Copies of the Plan are available on MaineDOT’s web site at www.state.me.us/mdot/Municipal-Matters. Written comments may be e-mailed to chris.a.mann@maine.gov, or sent to:

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In the event that any proposed modifications are not incorporated into the final plan, a reason for doing so will be made publicly available.

The term “**non-metropolitan local official**” is defined as “the elected and appointed officials of general purpose local government, in non-metropolitan areas, with jurisdiction/responsibility for transportation.” This may include counties, cities, towns, townships, and villages. For purposes of the rule, **non-metropolitan area** applies to everywhere in Maine exclusive of the 4 Metropolitan Planning Organization areas as indicated in the attached map depicting metropolitan and non-metropolitan areas.

II. Related State Legislation

Planning and Land Use Regulation Act

In 1989, the Planning and Land Use Regulation Act (30-A M.S.R.A., sub-section 4301) was passed requiring every Maine municipality to develop a comprehensive plan. MaineDOT reviews municipal comprehensive plans for consistency with State transportation goals and law. Once plans are deemed in compliance with the Planning and Land Use Regulation Act by the Maine State Planning Office, MaineDOT must consider them in transportation planning and programming. Therefore, developing a comprehensive plan which thoroughly addresses the municipality’s transportation system is a principal opportunity for municipal involvement in transportation decision-making.

Sensible Transportation Policy Act

In 1991, the Sensible Transportation Policy Act (STPA) 23 M.R.S.A [73] was passed by referendum. The Act requires early public involvement in Statewide transportation planning and supports the State policy that transportation planning decisions, capital investment decisions and project decisions must:

- Minimize the harmful effects of transportation on public health and on air and water quality, land use and other natural resources;
- Require that the full range of reasonable transportation alternatives be evaluated for all significant highway construction or reconstruction projects and give preference to transportation system management options, demand management strategies, improvements to the existing system, and other transportation modes before increasing highway capacity through road building activities;
- Ensure the repair and necessary improvement of roads and bridges throughout the State to provide a safe, efficient and adequate transportation network;
- Reduce the State's reliance on foreign oil and promote reliance on energy- efficient forms of transportation;
- Meet the diverse transportation needs of the people of the State, including rural and urban populations and the unique mobility needs of the elderly and disabled; and
- Be consistent with the purposes, goals and policies of the Comprehensive Planning and Land Use Regulation Act.



In 1992, MaineDOT adopted its rule for the STPA which created Regional Transportation Advisory Committees (RTACs). MaineDOT has seven planning regions, each with an RTAC. The primary function of the RTACs is to broadly and fairly represent their regions and insure meaningful opportunities for municipal consultation and public involvement. RTACs consist of citizen volunteers from across the spectrum of transportation interests. Interests represented include local governments, environmentalists, land use, business, alternative modes, and the general public. The MaineDOT Commissioner appoints RTAC members. It is important to note the municipal representatives on each RTAC are expected to represent broad based municipal interests within a region versus serving as advocates for a specific community.

III. Transportation Planning Process**Transportation Planning Documents**

MaineDOT's planning process includes a Long-Range Multimodal Transportation Plan, a Mid-Range Transportation Plan, a Biennial Transportation Improvement Program (BTIP) and a Statewide Transportation Improvement Program (STIP). Consultation associated with each of these efforts

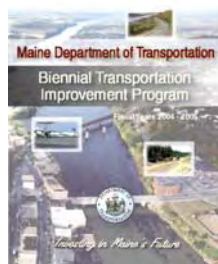
provide non-metropolitan and metropolitan officials opportunities for input ranging from MaineDOT's long-range goals to requesting specific regional and local transportation improvement projects.

Long-Range Plan



The Long-Range Plan covers 20-25 years and is a comprehensive multimodal transportation plan that sets goals, objectives and strategies for MaineDOT. MaineDOT develops a draft long-range plan based upon transportation needs, anticipated funding and input from stakeholders including municipalities, other State agencies, MPO's and RTAC members. MaineDOT makes the draft plan available for public review at least 45 days before public hearings at which comments and concerns about the plan are obtained. The plan is finalized after consideration of these comments and concerns.

Mid-Range Plan and BTIP



The Mid-Range Plan covers approximately 6 years and links the policy-based Long-Range Plan with the project-based BTIP. The Mid-Range Plan identifies major initiatives and prioritizes transportation needs MaineDOT anticipates funding over the life of the plan. The BTIP is a comprehensive list of capital improvement projects for all modes that MaineDOT submits to the Legislature every 2 years in support of its budget request. As the first step in developing the Mid-Range Plan and/ or BTIP, MaineDOT provides every municipality with a detailed project request package for all modes of transportation where each municipality is asked to identify both local and regional transportation improvement projects. Indian Tribes and county commissioners are also asked for transportation improvement project priorities. Since this package is MaineDOT's primary tool for systematically incorporating municipal priorities into the transportation planning process, the Department contacts municipalities repeatedly to emphasize its importance. MaineDOT also offers technical assistance to interested municipalities. MaineDOT releases a draft Mid-Range Plan and makes it available for comment for at least 45 days and holds regional public meetings on the draft plan throughout the State.

STIP

Once MaineDOT's budget is approved by the State Legislature, MaineDOT outlines State and federal transportation funding reflected in the STIP. The STIP is a multi-year, multi-modal program of transportation projects consistent with all other transportation plans developed within the State. Once the draft STIP is prepared, notice of its availability is published in major newspapers. MaineDOT also makes copies available at all MaineDOT Division Offices and depository libraries. MaineDOT accepts written comments on the STIP for at least 14 and up to 30 calendar days after the date of the notice.

IV. Additional Consultation Opportunities

In addition to opportunities for participating in the selection of projects through MaineDOT's transportation planning and programming processes, municipal officials have substantial access and input as transportation projects are developed and also may advise MaineDOT on certain maintenance and operations activities. MaineDOT staff also regularly hold workshops and meetings with municipalities.

Regional Transportation Advisory Committees (RTAC's)

RTACs are voluntary committees created by Maine's rule for the Sensible Transportation Policy Act to broaden regional opportunities for input and involvement in MaineDOT's transportation planning process. There are seven RTAC's representing various regions of the State. They have a diverse membership of representatives from State and municipal government, advocates for historic preservation, the environment, the business community and alternative modes of transportation, and members of the general public representing elderly and handicap accessibility issues, among others. Each region is responsible for developing a Regional Transportation Advisory Report that is updated in support of MaineDOT's Long-Range Plan. RTACs also help MaineDOT prioritize projects including highway improvement projects and significant passenger and freight projects.

RPC Network

MaineDOT actively supports Maine's Regional Planning Commission Network (RPC). These regional groups help coordinate with local governments and play a direct role in rural transportation planning. MaineDOT financially supports and partners with the RPCs to provide outreach and work with local communities and officials on planning activities.

Project Development

During the project development process, MaineDOT holds at least two public meetings associated with each major project. For each public meeting, press releases and notices are sent to municipalities and other interested parties at least one to two weeks in advance of the meeting. Based on municipal interest, MaineDOT is available and often meets repeatedly with local officials to discuss transportation issues and answer questions during development of transportation projects.



Enhanced Project Scoping

MaineDOT will be utilizing a new process of Enhanced Project Scoping to better define specific scopes of work as certain projects move from the Mid-Range Plan to the BTIP. Local officials will be

contacted during this process to determine their support and outline project design considerations that may impact project costs.



Maintenance and Operations

Opportunities for input from local officials also exist through MaineDOT's Regional Offices. These offices regularly hold workshops where Senior Staff are available to answer questions from local officials about pending or future projects, salt/sand storage and use, capital improvements and planning. The Regional Offices also routinely send out maintenance and operation surveys to better understand municipal concerns and meet municipalities' needs.

Maine Local Roads Center



The Maine Local Roads Center (MLRC) has been providing technical assistance to all levels of municipal government since 1986. Through workshops, "hands-on" training, the quarterly "Maine Local Roads News" newsletter, free publications, a videotape lending library, and over-the-phone assistance, municipal officials from all corners of Maine have become better informed and valuable to their local government.

Over 75% of Maine's 492 municipalities have utilized one or more of the services of the Center since 1986. It is estimated that Maine municipalities have saved hundreds of thousands of dollars by utilizing information provided by the MLRC.

Administered by the MaineDOT, the MLRC is one of over 50 Technology Transfer Centers in the nation established by the Local Technical Assistance Program of the Federal Highway Administration. The Center receives guidance from an Advisory Committee representing all levels of Maine government – from town road commissioners and town managers to MaineDOT and University of Maine representatives.

Maine Roads Scholar Program

MLRC holds approximately 70-85 workshops a year with annual attendance ranging from 1,200-1,350 officials. Workshops vary in topic from "How a Pothole Forms" and "Winter Plowing and Sanding Issues" to "Traffic Issues" and "Work Zone Safety /Flagging". In an effort to recognize local road officials for their desire to learn and improve their skills, the MLRC has established the "Maine Roads Scholar Program". The goal of this program is to provide the opportunity for municipal officials to

achieve a solid foundation in local road technical and management skills. These skills help municipalities save tax dollars through more cost effective techniques and products.

MLRC also produces a quarterly newsletter for municipalities, called the “Maine Local Roads News,” to assist Maine towns in dealing with local transportation concerns. Useful publications, such as “Working with the Maine Department of Transportation – A Guide for Municipal Officials” is continuously updated and made available to municipal officials. The “Guide” is a popular resource for local officials because it helps them understand the structure of MaineDOT, where responsibilities lie for certain actions, and where to address questions, concerns and applications.

Locally Administered MaineDOT Projects

A Locally Administered Project (LAP) is any MaineDOT project in which a municipality locally administers the development, design and construction of the project. Any municipal official or municipal engineer can locally administer a MaineDOT project if they are LAP Certified by the Department. MaineDOT provides LAP certification training to municipal officials and municipal engineers on federal and State requirements involved with transportation projects.



V. Selective MaineDOT Consultation Practices:

State Process to Compile Transportation Needs: During the development of the Mid-Range Plan and the BTIP, MaineDOT solicits candidate transportation improvement projects and priorities from municipalities, Maine Indian Nations, county commissioners, and provides official notification to all State agencies.

Regional Hearings: MaineDOT and the RTACs hold a series of public information meetings across the State. The draft long-range plan, draft mid-range plan and draft STIP are made available for formal review and comment.

Presentations and Attendance at Local Meetings: Presentations are made to local officials through a number of venues, such as town meetings, State legislative hearings, Corridor Planning Advisory Committees, Regional Transportation Advisory Committees. In addition, MaineDOT seeks input through attendance at annual Regional Planning Commission/Council of Government board meetings, municipal workshops conducted in MaineDOT Division offices, and attendance at Maine Municipal Association meetings.

Coordination with the State Planning Office on Comprehensive Planning Activities: MaineDOT works with the State Planning Office and local officials to review municipal comprehensive plans for consistency with State transportation goals and law.

Media: MaineDOT uses numerous types of media, such as mailings, informational videos, newsletters, newspapers, television, and the MaineDOT web site (which includes a specific site dedicated to municipal concerns, and a comment area) to communicate and consult with local officials. In addition, the Department utilizes the Maine Municipal Association’s newsletter “The Maine Townsman” to communicate with local officials.